

June 22, 1994  
REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL

CITY ATTORNEY BUDGET FISCAL YEAR 1995

The City Attorney's office is hemorrhaging. For the past three years, the number of authorized positions has decreased, even though the Mayor and Council have tried to reduce the loss by restoring positions needed to support additional police officers and have added positions required to operate the Otay Mesa City Jail. Unfortunately, the additions have been more than overcome by later budget deletions.

The continual depletion of lawyers and support personnel has had a cumulative dangerous effect on our ability to prosecute criminals, defend the public treasury and fulfill other duties mandated by the City Charter. Simply stated, since 1991 we have had to adjust to a 10% increase in police patrol officers, new requirements for operation of a City Jail and imposition of additional legal responsibilities, while authorized strength dropped from 263 positions to 247. In addition, we have had to postpone critical upgrading of our computers and automated support systems. We now face a recommended cut to 236 positions in the proposed FY 95 budget. Such a staffing level is a formula for chaos. We simply cannot provide the necessary legal support to maintain the public safety and protect the public treasury at that level.

The people in the office are currently assigned this way:

Criminal Division & Police Legal Advisors	58%
Litigation Division	25%
Enterprise Fund Advisory	8%
Remaining Advisory Positions	9%

It is clearly apparent that a 10% cut in personnel over time, compounded by the obviously increasing scope of responsibilities, will have an adverse impact on all legal services for the City. It is unfortunate, at a time of diminishing resources, the City's demand for legal services is increasing. The situation, for the most part, is beyond the control of the Mayor, Council or Manager.

We want you to know that we have made difficult cuts in the

past three years. We have told the Police Department that it must be satisfied with three legal advisors instead of the four it says it needs. We have been unable to fill in behind many of the experienced attorneys who have left us for more promising opportunities in both private and public sectors. Our attrition rate remains at 18-20 attorneys per year, an unacceptable figure. As we lose lawyers having five or more years of experience, we simply cannot fill in effectively with less experienced people.

It is imperative, right now, that we maintain a strength of 260 positions. You may remember the chaos that resulted from underfunding of the office in 1984 and the unfortunate intervention of the Grand Jury that year. If the 236-position budget is approved, you can expect to hear harsh criticism from similar sources as the prosecution load and civil calendars can no longer be borne.

I understand the difficulty the Mayor and Council faces as they encounter a budget which seems to provide less revenue and more spending. As I've said before, however, "You can pay us now or you can pay us later." The latter alternative will be extremely painful for those who approve and administer future budgets and for the taxpayers which must fund them.

Respectfully submitted,  
JOHN W. WITT  
City Attorney

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